THE HON'BLE MR. JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO. 22359 OF 2005

DATED: 14-10-2005

Between

Balli Ravi Kuamr.

..... PETITIONER

And

The Joint Collector, Nellore,

Nellore District and four others..

..... RESPONDENTS

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THE HON'BLE MR. JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO. 22359 OF 2005

ORDER:

This writ petition is filed seeking a writ of Mandamus declaring the action of the 1st respondent in not passing any orders in the direction petition filed along with the appeal and the proceedings of the 2nd respondent vide Rc.No. 2882(CJFS)/2004 dated 25-10-2004 insofar as the petitioner is concerned as arbitrary and illegal and consequently to direct the respondents not to dispossess the petitioner from the land in Sy.No.362/1 in an extent of Ac.0.39 cents of Navalakula Gardens, Allipuram Revenue, Nellore Rural Mandal, Nellore District, pending appeal before the 1st respondent.

Originally, the above said land is a C.J.F.S land. The 4th respondent herein who is the original lessee of the same sold it to the 5th respondent who in turn sold the same to the petitioner though an agreement of sale dated 12-09-1994. While so, the 2nd respondent passed the impugned proceedings restoring the land in question to the 4th respondent who is the original lessee. It is stated that no copy of the impugned proceedings has been served on the petitioner but he came to know about the same only when a Xerox copy of the same was served to him by the

Panchayat Secretary. Aggrieved by the same, the petitioner filed an appeal along with a direction petition before the 1st respondent on
05-09-2005. It is the grievance of the petitioner that so far no orders have been passed either in the main appeal or in the direction petition. Hence the writ petition.

Heard the learned counsel for the petitioner and also the learned Government Pleader for Revenue.

Having regard to the fact that the appeal filed by the petitioner is pending consideration before the 1st respondent, without going into the merits of the case, I deem it appropriate to dispose of the writ petition with a direction to the 1st respondent – appellate authority to consider the same and pass appropriate orders thereon within a period of six weeks from the date of receipt of a copy of this Order, after giving notice and opportunity of being heard to the petitioner. Till such time, the parties are directed to maintain status quo existing as on today.

The Writ Petition is accordingly disposed of. No costs.

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14-10-2005

ks/lur